

STATE OF GEORGIA
COUNTY OF FULTON

AFFIDAVIT OF VITO LOIACONO

Personally appeared before the undersigned duly authorized officer, authorized to administer oaths, Affiant, after being duly sworn under oath states as follows:

1.

My name is Vito Loiacono. I am over the age of eighteen years. I am fully competent in all manners to make this Affidavit. The information in this Affidavit is within my personal knowledge, and is true and correct.

2.

I am an attorney at the law firm of Kaufman, Miller & Sivertsen, in Atlanta, Georgia. Kaufman, Miller & Sivertsen is representing the interests of Defendant Mark E. Anderson in this matter along with the law firm of Bowron, Latta & Wasden, in Mobile, Alabama.

3.

On or about December 22, 2004, I spoke with Chris Moody, attorney for Defendants Dealers Assurance Company, Dealers Alliance Corporation, Southwest Reinsure, Inc., and Southwest Re Holdings, Inc (the "Non-Anderson Defendants"), and obtained consent for the removal of this matter by Defendant Mark E. Anderson to the United States District Court for the Southern District of Alabama, Northern Division, from the Circuit Court of Wilcox County, State of Alabama (the "Wilcox Court").

4.

Affiant has been advised by Chris Moody that Plaintiff and the Non-Anderson Defendants announced in the Wilcox Court that \$425,000.00 (the "Funds"), representing the disputed Funds as between the parties, is to be interplead into the Wilcox Court's Registry and that all of the Non-Anderson Defendants would be dismissed from this case.

5.

Mr. Moody declared to me that the Non-Anderson Defendants were in the process of interpleading the Funds into the Court Registry and that the Non-Anderson Defendants will be dismissed from this case in the very near future.

6.

Until the interpleader and dismissal are finalized, Chris Moody has advised Affiant that he, in his capacity as counsel for the Non-Anderson Defendants, consents to the instant removal.

Further Affiant sayeth not.


Vito Loiacono

Sworn to and subscribed to me,
this the 29 day of December, 2004.

Sandra Builder
Notary Public

